

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

SENECA NATION OF INDIANS,

Petitioner,

vs.

STATE OF NEW YORK,

Respondent/Cross-Petitioner.

Civil Case No. 1:19-cv-00735

**DECLARATION OF GREGORY M. STARNER IN SUPPORT OF OPPOSITION TO
PETITION TO VACATE FINAL ARBITRATION AWARD AND CROSS-PETITION TO
CONFIRM PARTIAL FINAL AWARD AND CORRECTED FINAL AWARD**

GREGORY M. STARNER hereby declares:

1. I am a member of the Bar of this Court and a partner of the firm White & Case LLP, counsel for Respondent/Counter-Petitioner, the State of New York (the "State"). I submit this declaration in support of the State's Opposition to the Petition of the Seneca Nation of Indians to Vacate the Final Arbitration Award and the State's Cross-Petition to Confirm the Partial Final Award and the Corrected Final Award.

2. Attached to this declaration are true and correct copies of the following exhibits in support of the State's Cross-Petition:

3. Exhibit A: Sworn Witness Statement of Robert Williams, dated September 12, 2018.

4. Exhibit B: Letter from Todd Gates, President of Seneca Nation of Indians, to Andrew Cuomo, Governor of the State of New York, dated March 31, 2017.

5. Exhibit C: Commercial Arbitration Rules and Mediation Procedures of the American Arbitration Association.

6. Exhibit D: Excerpts of the transcript of the arbitration hearing held on December 12, 2018.

7. Exhibit E: A copy of Procedural Order No. 4 issued by the arbitral panel ("Panel") on December 17, 2018.

8. Exhibit F: An email from Carol E. Heckman to the Panel and others dated February 26, 2019.

9. Exhibit G: An email from Jeffrey Zaino at the American Arbitration Association on behalf of the Panel to the Parties dated February 28, 2019.

10. Exhibit H: An email from Carol E. Heckman to the Panel and others dated March 15, 2019 attaching the Draft Final Award.

11. Exhibit I: An email from Damien Nyer to the Panel and others dated April 11, 2019 attaching a Corrected Draft Final Award and a redline comparison.

I declare under the penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Dated: July 12, 2019
New York, New York

By: 

Gregory M. Starner
WHITE & CASE LLP
1221 Avenue of the Americas
New York, New York 10020
Telephone: (212) 819-8200
Facsimile: (212) 354-8113

Attorneys for the State